No. 200400106

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

D&PL Technology Holding Company, LLC.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE , OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

SOYBEAN

'5091007'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this twenty-fifth day of August, in the year two thousand and four.

Attest:

Acting Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture

REPRODUCE LOCALLY. Include form number and date on all reproductions. FORM APPROVED - OMB NO. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY DIVISION - PLANT VARIETY PROTECTION OFFIC

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions and information collection burden statement on reverse

The following statements are made in accordance with the Privacy Act of 1974 (5U.S.C. 552a) an the Paperwork Reduction Act (PRA) of 1995

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER
D&PL Technology Holding Company, LLC.

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME
98-02445

3. VARIETY NAME
5091007

4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)
PO Box 157
100 Main Street
Scott, Mississippi 38772
USA

5. TELEPHONE (include area code)
(662) 742-4141

6. FAX (include area code)
(662) 742-3182

PVPO NUMBER
2004 00 106

FILING DATE
2/13/2004

7. IF THE OWNER IS NOT A "PERSON" GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.
Limited Liability Company

8. IF INCORPORATED, GIVE STATE OF INCORPORATION
Delaware

9. DATE OF INCORPORATION
February 29, 1996

10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers)
Delta and Pine Land Company
Kelly Casavechia
P.O. Box 157
Scott, MS 38772

FILING AND EXAMINATION FEE:
$ 3,652.00
DATE 2/13/2004

CERTIFICATION FEE:
$ 432.00
DATE 7/30/04

11. TELEPHONE (include area code)
(662) 742-4141

12. FAX (include area code)
(662) 742-3182

13. E_MAIL
kelly.h.casavechia@deltaandpine.com

14. CROP KIND (Common Name)
Soybean

15. GENUS AND SPECIES NAME OF CROP
Glycine Max

16. FAMILY NAME (Botanical)
Leguminosae

17. IS THE VARIETY A FIRST GENERATION HYBRID?
[ ] YES [X] NO

18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)
a. [X] Exhibit A. Origin and Breeding History of the Variety
b. [X] Exhibit B. Statement of Distinctness
c. [X] Exhibit C. Objective Description of the Variety
d. [ ] Exhibit D. Additional Description of the Variety (Optional)
e. [X] Exhibit E. Statement of the Basis of the Owner's Ownership
f. [X] Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository)
g. [X] Filing and Examination Fee ($2,450), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office

19. DOES THE OWNER SPECIFY THAT SEED OF THIS VATIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Ac
[ ] YES (If "yes", answer items 20 and 21 below) [X] NO (If "no", go to item 22)

20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?
[ ] YES [X] NO

21. IF "YES" TO ITEM 20, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?
[ ] FOUNDATION [ ] REGISTERED [ ] CERTIFIED

22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCE FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OTHER COUNTRIES?
[ ] YES [X] NO
IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR US FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.

23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)?
[X] YES [ ] NO
IF YES, GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNE REFERENCE NUMBER. (Please use space indicated on reverse.

24. The owners declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF OWNER
Jeffrey M. Tyler

NAME (Please print or type)
Jeffrey M. Tyler

CAPACITY OR TITLE
Midsouth Soybean Breeder

DATE
2-5-04

SIGNATURE OF OWNER
William V. Hugie

NAME (Please print or type)
William V. Hugie

CAPACITY OR TITLE
Vice President/Dir.of Research

DATE
2-5-04

S&T-470 (6-98) designed by the Plant Variety Protection Office with WordPerfect 6.0a. Replaces STD-470 (03-96) which is obsolete. (See reverse for instructions and information collection burden statement)

Instructions 2004 00 106

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Complete application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hyb variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viat*in the sense that it will reproduce an entire plant*) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for $2,7(($320 filing fee and $2,385 examination fee), payable to "Treasurer of the United States *See Section 97.6 of the Regulations and Rules of Practice*.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfiled. Mail application and other requirements to Plant Varie Protection Office, AMS, USDA, Room 500, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your file. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. DO NOT u masking materials to make corrections. If a certificate is allowed, you will be requested to send a check paybable to "Treasurer of the United States" in the amoi of $320 for issuance of the certificate. Certificates will be issued to owner, not licensee or ager

Plant Variety Protection Office
Telephone: (301) 504-551E
FAX: (301) 504-5291
Homepage: http://www.ams.usda.gov/science/pvpo/pvp.htm

ITEM

18a. Give: (1) the genealogy, including public and commercial varieites, lines, or clones used, and the breeding methc
(2) the details of subsequent stages of selection and multiplicatior
(3) evidence of uniformity and stability; anc
(4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identifi

18b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If t new variety is most similar to one variety or a group of realted varietie

(1) Identify these varieties and state all differences objectivel
(2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; a
(3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctnes

18c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as complete as possible to describe your variety

18d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. U comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disee resistance, *etc*.

18e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVP

19. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant MAY NOT reverse this affirmative decisio after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant n change the choice. (*See Regulations and Rules of Practice, Secion 97.103*).

22. *See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.*

23. *See Section 55 of the Act for Instructions on claiming the benefit of an earlier filing date.*

21. CONTINUED FROM FRONT *(Please provide a statement as to the limitation and sequence of generations that may be certified.)*

22. CONTINUED FROM FRONT *(Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.,*

23. CONTINUED FROM FRONT *(Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)*
ROUNDUP READY® ~~**cotton:**~~ Soybean (BT: 2/17/2004 per applicant's request).
These seeds are covered under U.S. Patents 5,633,435; 5,352,605; 5,530,196; 5,188,642; 4,940,835; 5,717,084; 5,728,925; and 5,804,425.

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owne representative during the life of the application/certificate. There is no charge for filing a change of address. The fee for filing a change of ownershi assignment or any modification of owner's name is specified in Section 97.175 of the regulations *(See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)*

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority. For example, for agricultural a vegetable crops, contact: Seed Branch, AMS, USDA, Room 213, Building 306, Beltsville Agricultural Research Center-East, Beltsville, MD 2070! Telephone: (301) 504-8089. http://www.ams.usda.gov/lsg/seed/ls-sd.htm

S&T -470 (04-01) designed by the Plant Variety Protection Office with WordPerfect 6.0a. Replaces STD-470 (02-99) which is obsolete.

EXHIBIT A

Origin and Breeding History of the Variety 5091007

Summer 1996	Original cross made at Scott , MS between H4994 and DP 5767 RR
Winter 1996-1997	F1 advanced to F2 under lights in Costa Rica
Summer –Fall 1997	F2 advanced to F4 by the bulk pod method in Costa Rica
Winter 1997-1998	F4 seed planted and about 200 single plants were selected
Summer 1998	About 200 F5 rows were planted at Scott, MS and row 98-02445 was found to be uniform for the characteristics listed in Exhibit C of this application. Row 98-02445 was selected for apparent yield and general adaptation, based on visual assessment. The plants in row 98-02445 were harvested in bulk.
Summer 1999	98-02445 was yield tested at Scott, MS and was advanced based on measured seed yield.
Summer 2000	98-02445 was yield tested at 8 locations in southern US. Individual plants were harvested out of the border rows to begin the purification process.
Summer 2001	98-02445 was yield tested at 11 locations in southern US. Purity rows were harvested
Summer 2002	98-02445 was yield tested at 8 locations in southern US. Approximately one acre was planted for increase.
Summer 2003	98-02445 was tested at 11 Southern US locations. Approximately 1066 units (50 pound) were produced. Variety name 5091007 was assigned. After five years of testing and three years of seed increase, 5091007has been observed to be uniform and genetically stable over generations for characteristics listed in Exhibit C of this application. No variants were observed.

Exhibit B

Statement of Distinctness

NOVELTY STATEMENT

To our knowledge, 5091007 most resembles DP 5989. Differences include but are not restricted to the following:

1. 5091007 has brown Podwall color whereas DP 5989 has tan Podwall color
2. 5091007 is highly tolerant to Glyphosate herbicide whereas DP 5989 is not.

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MD 20705

EXHIBIT C
(Soybean)

OBJECTIVE DESCRIPTION OF VARIETY
SOYBEAN (*Glycine max* (L.) Merr.)

NAME OF APPLICANT(S)	FOR OFFICIAL USE ONLY
D&PL Technology Holding Company, LLC.	PVPO NUMBER 2004 00 106
ADDRESS *(Street and No. or R.F.D. No., City, State, and ZIP Code)*	VARIETY NAME 5091007
P.O. Box 157 Scott, Mississippi 38772	TEMPORARY OR EXPERIMENTAL DESIGNATION 98-02445

PLEASE READ ALL INSTRUCTIONS CAREFULLY: Place the appropriate number that describes the varietal character of this variety in the boxes below.

Place a zero in the first box (e.g. [9][9][9] **or** [0][9] **) when number is either 99 or less or 9 or less respectively. Data for quantitative**

plant characters should be based on a minimum of 100 plants. Comparative data should be determined from varieties entered in the same trial. Royal Horticultural Society or any recognized color standard may be used to determine plant colors; designate system used:

Please answer all questions for your variety; lack of response may delay progress of your application.

A. MORPHOLOGY

Seed Shape:

[2]

1 = Spherical (L/W, L/T, and T/W ratios < 1.2)
2 = Spherical-Flattened (L/W ratio > 1.2; L/T ratio < 1.2)
3 = Elongate (L/T ratio > 1.2; T/W ratio < 1.2)
4 = Elongate-Flattened (L/T ratio > 1.2;T/W ratio > 1.2)

Seed Coat Color:

[1]

1 = Yellow **2 = Green** **3 = Brown** **4 = Black** **5 = Other (*Please Specify*)**

Seed Coat Luster:

[2]

1 = Dull **2 = Shiny**

Seed Size:

[1][4] **grams/100 seeds**

Hilum Color:

[6]

1 = Buff **2 = Yellow** **3 = Brown** **4 = Gray** **5 = Imperfect Black**
6 = Black **7 = Other (*Please Specify*)**

A. MORPHOLOGY (*Continued*)

2004 00 106

Cotyledon Color:

[1] 1 = Yellow 2 = Green

Seed Protein Peroxidase Activity:

[ ] 1 = Low 2 = High

Hypocotyl Color:

[1] 1 = Green ('Evans' or 'Davis') 2 = Green with Bronze Bands below Cotyledon ('Woodworth' or 'Tracy') 3 = Light Purple below Cotyledons ('Beeson' or 'Pickett 71') 4 = Dark Purple extending to unifoliolate leaves ('Hodgson', 'Coker', or 'Hampton 266A')

Leaf Shape:

[3] 1 = Lanceolate 2 = Oval 3 = Ovate 4 = Other (*Please Specify*)

Flower Color:

[1] 1 = White 2 = Purple 3 = White with a Purple Throat

Pod Color:

[2] 1 = Tan 2 = Brown 3 = Black

Pubescence Color:

[2] 1 = Gray 2 = Brown (Tawny) 3 = Light Tawny

Plant Habit:

[1] 1 = Determinate 2 = Semi - Determinate 3 = Indeterminate 4 = Intermediate

Maturity Group:

[0][8]

1 = 000	2 = 00	3 = 0	4 = I	5 = II
6 = III	7 = IV	8 = V	9 = VI	10 = VII
11 = VIII	12 = IX	13 = X	14 = XI	15 = XII

Maturity Subgroup:

[7] Please enter a value from 0 - 9

B. DISEASE REACTIONS 0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant

Bacterial

[0] Bacterial Pustule (*Xanthomonas campestris* pv. *glycines* (Nakano) Dye)

[0] Bacterial Blight (*Pseudomonas syringae* pv. *glycinea* (Coerper) Young, Dye, & Wilkie)

[0] Wildfire Blight (*Pseudomonas syringae* pv. *tabaci* (Wolf & Foster) Young, Dye, & Wilkie)

B. DISEASE REACTIONS (*Continued*) 0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant

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Fungal

[0] Brown Spot (*Septoria glycines* Hemmi)

Frogeye Leaf Spot (*Cercospora sojina* Hara)

[0] race 1 [0] race 2 [0] race 3 [0] race 4

[0] race 5 [0] race 6 [0] Other (*Please Specify*)

[0] Target Spot (*Corynespora cassiicola* (Berk. & Curt.) Wei)

[0] Downey Mildew (*Peronospora trifoliorum* var. *manchurica* (Naum.) Syd. ex Gäum)

[0] Powdery Mildew (*Microsphaera diffusa* Cke. & Pk.)

[0] Brown Stem Rot (*Phialophora gregata* (Allington & Chamberlain) W. Gams.)

[2] Stem Canker (*Diaporthe phaseolorum* (Cke. & Ell.) Sacc. var. *caulivora* Athow & Caldwell)

[0] Pod and Stem Blight (*Diaporthe phaseolorum* (Cke. & Ell.) Sacc. var. *sojae* (Lehman) Wehm.)

[0] Purple Seed Stain (*Cercospora kikuchii* (T. Matsu. & Tomoyasu) Gardener)

[0] Rhizoctonia Root Rot (*Rhizoctonia solani* Kühn)

Phytophthora Root Rot (*Phytophthora megasperma* Drechs. f. sp. *glycinea* (Kuan & Erwin))

[0] race 1 [0] race 8 [0] race 15 [0] race 22

[0] race 2 [0] race 9 [0] race 16 [0] race 23

[0] race 3 [0] race 10 [0] race 17 [0] race 24

[0] race 4 [0] race 11 [0] race 18 [0] race 25

[0] race 5 [0] race 12 [0] race 19 [0] race 26

[0] race 6 [0] race 13 [0] race 20 [ ] Other (*Please Specify*)

[0] race 7 [0] race 14 [0] race 21

[0] Bud Blight (Tobacco Ringspot Virus)

[0] Yellow Mosaic (Bean Yellow Mosaic Virus)

B. DISEASE REACTIONS (*Continued*) 0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant

2004 00 106

0	Cowpea Mosaic (Cowpea Chlorotic Virus)
0	Pod Mottle (Bean Pod Mottle Virus)
0	Seed Mottle (Soybean Mosaic Virus)

Nematode

Soybean Cyst Nematode (*Heterodera glycines* Ichinohe)

1	race 1	0	race 4	0	race 9
1	race 2	1	race 5	1	race 14
2	race 3	0	race 6		Other (*Please Specify*)

0	Lance Nematode (*Hoplolaimus columbus* Sher)
1	Southern Root Knot Nematode (*Meloidogyne incognita* (Kofoid & White) Chitwood)
0	Northern Root Knot Nematode (*Meloidogyne hapla* Chitwood)
1	Peanut Root Knot Nematode (*Meloidogyne arenaria* (Neal) Chitwood)
0	Reniform Nematode (*Rotylenchus reniformus* Linwood & Olivera)
0	Javanese Nematode (*Meloidogyne javanica* (Treub) Chitwood)
0	Other Nematode (*Please Specify*)

C. PHYSIOLOGICAL RESPONSES 0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant

0	Iron Chlorosis on Calcareous Soil		
0	Phosphorus		Other (*Please Specify*)_____
0	Boron		
0	Aluminum		
0	Salt		
0	Drought		

D. INSECT REACTIONS 0 = Not Tested 1 = Susceptible 2 = Resistant 3 = Tolerant

[0] Mexican Bean Beetle (*Epilachna varivestis* Mulsant)

2004 00106

[0] Potato Leaf Hopper (*Empoasca fabae* (Harris))

[ ] Other (*Please Specify*)

E. HERBICIDE REACTIONS 0 = Not Tested 1 = Susceptible 2 = Resistant

[0] Metribuzin

[0] Bentazone

[0] Sulfonylurea

[2] Glyphosate

[0] Glufosinate

[0] Pendimethalin

[ ] Other (*Please Specify*)

F. TRANSGENIC COMPOSITION

Has the development of the subject variety included the insertion of genetic material from an organism other than a soybean, or, the removal of genetic material from the application variety?
If yes, please complete the following information requests*. Use additional pages if necessary. [x] YES [ ] NO

1. Please state the vector's name:

2. Please state the vector components:

3. Please describe the genetic material successfully transferred into the subject variety:

4. Please describe the insertion protocol:

* A literature citation(s) explaining the four information requests above may be an acceptable alternative to completion of the "Transgenic Composition" portion of this form.

5091007 is a Roundup Ready ™ variety derived from the Monsanto transformant 40-3-2 . Please see Crop Science 35:1451-1461 (1995)

G. BIOCHEMICAL MARKERS

Please describe any biochemical information here, which you believe will be helpful in further describing the subject variety (*e.g.* Simple Sequence Repeats, Restriction Fragment Length Polymorphisms, Isozymic Characterization). Use additional pages if necessary.

H. COMMENTS

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U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

Application is required in order to determine if a plant variety protection certificate is to be issued *(7 U.S.C. 2421)*. The information is held confidential until the certificate is issued *(7 U.S.C. 2426)*.

1. NAME OF APPLICANT(S)

D&PL TECHNOLOGY HOLDING COMPANY, LLC.

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER

98-02445

3. VARIETY NAME

5091007

4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country)

P.O. BOX 157
SCOTT, MISSISSIPPI 38772

5. TELEPHONE *(Include area code)*

662.742.4141

6. FAX (Include area code)

662.742.3182

7. PVPO NUMBER **2004 00 106**

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. **If no, please explain.** [X] **YES** [ ] **NO**

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? **If no, give name of country.** [X] **YES** [ ] **NO**

10. Is the applicant the original owner? [X] **YES** [ ] **NO** **If no, please answer one of the following:**

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?
[ ] **YES** [ ] **NO** **If no, give name of country**

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?
[ ] **YES** [ ] **NO** **If no, give name of country**

11. Additional explanation on ownership *(If needed, use the reverse for extra space)*:

5091007 contains a proprietary gene, patented by the Monsanto Company and licensed to D&PL, which encodes a protein which provides tolerance to glyphosate herbicide in soybean cultivars.

PLEASE NOTE:

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.

2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.

3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) ot the Plant Variety Protection Act for definitions.